

Committee Room,
Austin, Texas, March 22, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. C. R. No.
12 carefully examined and compared
and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,
Austin, Texas, March 22, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. C. R. No. 50
carefully examined and compared
and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,
Austin, Texas, March 22, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. C. R. No.
37 carefully examined and compared
and find same correctly enrolled.

WESTERFELD, Chairman.

FORTY-THIRD DAY.

(Wednesday, March 24, 1937)

The Senate met at 9:20 o'clock
a. m., pursuant to adjournment, and
was called to order by President
Woodul.

The roll was called and the fol-
lowing Senators were present:

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

The following Senators were ab-
sent and excused:

Cotten.

A quorum was announced present.

Joint Session.

The President announced that the
hour fixed for the Joint Session of
the two Houses pursuant to S. C. R.
No. 50 and H. C. R. No. 73 had ar-
rived and requested the Senators to
proceed in a body to the Hall of the
House of Representatives.

The Senators were announced at
the bar of the House, were duly ad-
mitted and were escorted to seats
prepared for them along the aisle.

The President of the Senate occu-
pied a seat on the Speaker's stand by
invitation of the Speaker.

Also seated on the Speaker's stand
were: Hon. James A. Farley, Post-
master General of the United States
and his party, Governor James V.
Allred, and the Joint Committees of
the Senate and House appointed pur-
suant to the provisions of S. C. R.
No. 50.

The Speaker of the House called
the House to order at 9:30 o'clock
a. m.

The President of the Senate called
the Senate to order.

Speaker Calvert presented Gov-
ernor James V. Allred, who intro-
duced Postmaster General James A.
Farley to the Joint Session and the
assemblage.

Postmaster General Farley then
addressed the Joint Session and the
assemblage.

At the conclusion of the address,
the Senate repaired to the Senate
Chamber.

In the Senate.

The Senate was called to order by
President Woodul at 10:00 o'clock
a. m.

The invocation was offered by the
Chaplain.

Reading of the Journal of the pro-
ceedings of yesterday was dispensed
with, on motion of Senator Roberts.

Leave of Absence Granted.

Senator Cotten was granted leave
of absence for today, on account of
illness, on motion of Senator Burns.

Reports of Standing Committees.

Reports on Senate Bills Nos. 355,
436, 284, 308, 286, 427, 426 and 406,
on House Bills Nos. 659, 592, 158,
724, 674, and 122, on S. J. R. No. 5,

on S. C. R. No. 33 and on H. C. R. No. 75 and H. C. R. No. 71 were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

Committee Substitute for House Bill No. 67 on Second Reading.

The President laid before the Senate, as a special order for this hour, on its second reading and passage to third reading:

C. S. for H. B. No. 67, A bill to be entitled "An Act amending Chapter 277 Acts of Regular Session of the Forty-second Legislature as heretofore amended, being known as the 'Motor Carrier Act,' by providing that said Motor Carrier Act shall not include and said Act shall not apply to a 'Private Commercial Carrier,' declaring that a Private Commercial Carrier is not transporting property for compensation or hire within the meaning and contemplation of said Motor Carrier Act and shall not be governed by any of the provisions of said Act applicable to a 'motor carrier' or 'contract carrier'; defining a 'Private Commercial Carrier,' providing for the obtaining of a permit from the Commission by Private Commercial Carrier, specifying what should be contained in application for permit, requiring the granting of such permit upon the filing of an application as provided stipulating a fee to be paid upon the filing of such application; making it unlawful for any Private Commercial Carrier to engage in business as such without a permit, providing for identification cards, identification plates, and fees therefor; providing for carrying of insurance and licensing of drivers; providing for cancellation of permits, and hearings thereon; making it unlawful to operate in violation of the provisions of this Act; declaring the purpose of the Act, and that if any portion thereof be held invalid or unconstitutional, the remainder shall not be affected, and declaring an emergency."

The bill was read second time.

Senator Shivers raised a point of order on further consideration of the bill at this time, on the ground that it is set for a special order immediately after the morning call, and

that this being House Bill Day, the morning call has not been concluded.

The President overruled the point of order.

(Senator Redditt in the Chair.)

Senator Rawlings offered the following amendment to the bill:

Amend House Bill 67 by striking out all below the enacting clause, and inserting in lieu thereof the following:

"Section 1. Chapter 277, Acts of the Regular Session of the Forty-second Legislature (commonly referred to as 'Motor Carrier Act'), as amended, be and the same is hereby further amended by adding thereto the following sections and provisions:

"Sec. 2. Chapter 277, Acts of the Regular Session of the Forty-second Legislature, containing Sections 1 to 25, inclusive, shall be known as 'Texas Motor Carrier Act, Part I,' and the following sections shall be known as 'Texas Motor Carrier Act, Part II,' and shall be numbered sections 100 to 123, inclusive, and shall be referred to as 'Part I' and 'Part II,' respectively.

"Sec. 3. (Sec. 100). The provisions of Texas Motor Carrier Act, Part I, shall not apply to a 'private carrier,' as said term is hereinafter defined, except as may be hereinafter specifically provided by this Act.

"Sec. 4. (Sec. 101). A 'private carrier' is any person, firm, corporation, company, co-partnership or association or joint stock association (and their receivers or trustees appointed by any court whatsoever) engaged in the mercantile business and who, as an incident to such business, shall transport by motor vehicle goods, wares, and merchandise (whether for hire or otherwise) over the highways of this State where, in the course of such transportation, a highway or highways are traversed between two or more incorporated cities, towns, or villages.

To qualify under the foregoing definition as a private carrier, and to be entitled to receive a permit under the terms of this Act as such, the following concurring conditions must be shown to exist:

(a) Such transportation must be from or to a fixed and established

place of business as that term is herein defined; and

(b) The vehicle upon which such transportation is made must be owned by such private carrier in good faith; and

(c) Such private carrier must have a fixed and established place of business as that term is herein defined; and

(d) Such transportation must be limited to transporting such goods from or to a fixed and established place of business; and

(e) Such transportation is incidental only to the operation of a mercantile business; and

(f) The private carrier transporting such merchandise shall be the bona fide owner or consignee thereof and shall have, prior to the transportation thereof, in the ordinary course of business, entered into a contract of sale and delivery to others; provided, however, such private carrier shall not be permitted to transport goods possessed by him under consignment contracts unless the same are handled along with a general line of goods, wares, and merchandise owned by such private carrier.

All persons, firms, corporations, companies, co-partnerships or associations or joint stock associations (and their receivers or trustees appointed by any court whatsoever) transporting by motor vehicle property for hire over the highways, where in the course of such transportation a highway between two or more incorporated cities is traversed, not coming under the terms of this Act, shall continue to be subject to and shall comply with the provisions of Part I of the Texas Motor Carrier Act.

"Sec. 5. (Sec. 102). The term 'fixed and established place of business' is herein defined to mean any permanent building at which a legitimate, permanent mercantile business is carried on as such in good faith by such private carrier, and at which stocks of goods, wares, and merchandise belonging to such private carrier are produced, stored or kept by such private carrier for daily sale in quantities reasonably adequate for the requirements of such business, and shall not include temporary quarters or the business of

transients carried on by peddling goods, wares, and merchandise from place to place.

"Sec. 6. (Sec. 103). No such private carrier shall engage in the transportation of property unless there is in force with respect to such private carrier a permit issued by the Railroad Commission authorizing such operation under the terms of this Act, and such permit shall not be issued until the applicant shall have in all things complied with the requirements of this Act and the applicable provisions of the Texas Motor Carrier Act, Part I. Such permit shall not be issued unless the character of business being done or to be done by the applicant strictly conforms with the definition of a private carrier and the other provisions of this Act; and such permit shall be issued only upon written application and after notice and hearing, as herein provided.

"Sec. 7. (Sec. 104). Private carrier permits shall be issued only upon written application signed and sworn to by the applicant or his or its duly authorized agent. The application, among other things, shall contain the following:

(1) The name and address of the applicant.

(2) Statement showing whether such applicant is an individual, firm, corporation, company, co-partnership, association, joint stock company or receivers or trustees appointed by a court of competent jurisdiction.

(3) The address and location of the principal office and principal place of business of applicant.

(4) If a corporation, the correct corporate name, date of incorporation, the State under which incorporated, the names and addresses of the officers and directors of said corporation.

(5) The chartered purpose for which said corporation was incorporated.

(6) If a co-partnership or other association, the names and addresses of all persons composing said partnership; the date when said co-partnership or association was organized, the date it started business, and the location of the principal place of business.

(7) Whether applicant is an individual, corporation or co-partnership, the application shall contain a full and accurate statement of the nature of business carried on by applicant and the territory in which such business is transacted, and the date when the applicant began using the highways as a private carrier, as that term is herein defined.

(8) The amount of capital invested in said business other than capital invested in motor vehicles. Also, the place or places where applicant has engaged in business during the year next preceding the filing of said application.

(9) A description of each vehicle which the applicant intends to use, including the weight and size of vehicle, its carrying capacity, when such equipment was acquired, in whose name it is registered with the Highway Department, and shall state that the applicant is the bona fide owner thereof, and whether such equipment is used for any other purpose except in connection with applicant's established place of business.

(10) Information showing whether applicant has ever operated as a motor carrier in this or any other state, either as a common, contract or commodity carrier; also whether applicant has filed an application for any such certificate or permit to so engage in such business and the disposition made of such application.

(11) Information as to the volume of mercantile business done by applicant in the sale of goods, wares, and merchandise as distinguished from the revenues derived from the transportation of such merchandise.

(12) Information showing whether or not applicant proposes to make a charge for the transportation of property.

(13) Information showing that the applicant is not the owner of a Certificate of Convenience and Necessity or a Contract Carrier Permit or a Special Commodity Permit or any similar authority issued by the Railroad Commission of Texas or the Interstate Commerce Commission.

(14) The Commission shall have authority to prescribe the form of the application and to require the applicant to furnish such additional information as the Commission may deem necessary to establish that ap-

plicant is a bona fide private carrier and is not a common, contract or special commodity carrier.

"Sec. 8. (Sec. 105). Upon the filing of an application for a private carrier's permit, the Commission shall designate the time and place for a hearing thereon and shall give not less than ten (10) days' notice in writing thereof to the applicant and other interested parties. The burden shall be upon the applicant to establish to the satisfaction of the Commission that he is a private carrier and has complied with the terms and provisions of this Act, and if at the conclusion of said hearing the Commission is of the opinion that such applicant is a private carrier and has complied with all the provisions of the Act, it shall cause to be entered an order granting said application, directing that a private carrier's permit issue; otherwise, the application shall be denied. Provided, however, that all persons, firms, corporations, companies, co-partnerships or associations or joint stock associations (and their receivers or trustees appointed by any court whatsoever) who shall file an application for such permit under the requirements of this Act and the rules and regulations of the Railroad Commission within 120 days from the effective date of this Act, and the information contained in such application establishes the applicant to be a bona fide private carrier, it shall be the duty of the Railroad Commission forthwith to issue said applicant a permit in compliance with the terms of this Act, without notice and hearing. If, however, the Commission be of the opinion that the application does not conform to the terms of this Act, and its rules and regulations, and does not establish that the applicant is a private carrier, the Commission shall so notify the applicant and shall afford the applicant and other interested parties an opportunity to be heard upon said application after ten days' written notice to the applicant and other interested parties. If after such hearing the Commission is of the opinion that said application is in conformity with the provisions of this Act and its rules and regulations, and the applicant is a private carrier, the permit shall issue; otherwise, said

application shall be denied. Provided, further, that any person, firm, corporation, company, co-partnership or association or joint stock association (and their receivers or trustees appointed by any court whatsoever), who shall file an application within 120 days after the effective date of this Act for such permit, under the requirements of this Act and the rules and regulations of the Railroad Commission, shall be permitted to operate as such private carrier until said application has been acted upon by said Commission.

"Sec. 9. (Sec. 106). Upon the filing of an application for a private carrier's permit, and before such permit is issued, the applicant shall pay to the Commission a filing fee of Ten Dollars (\$10.00). All provisions of Part I, relating to fees to be paid by contract carriers, public liability and property damage insurance, hours of drivers, identification cards, and distinctive identification plates to be attached to the vehicles, shall be applicable to private carriers.

"Sec. 10. (Sec. 107). All fees paid to the Commission under the provisions of this Act shall be deposited in the State Treasury to the credit of the Motor Carrier fund.

"Sec. 11. (Sec. 108). Any person acting for himself or as the agent or employee of any other person, firm, corporation, company, co-partnership or association or joint stock association (and their receivers or trustees appointed by any court whatsoever), who shall operate as a private carrier, as that term is defined herein, without first having obtained a private carrier's permit in the manner required by the terms of this Act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding the sum of Two Hundred Dollars (\$200.00), and each day such operation is carried on without having obtained said permit shall constitute a separate and distinct offense.

"Sec. 12. (Sec. 109). Any person making any false statement in any application for a permit under this Act shall be guilty of false swearing and be punished as provided for in The Penal Code, State of Texas.

"Sec. 13. (Sec. 110) When hearings under the terms of this Act are

conducted before the Railroad Commission, the procedure provided for in Part I, with reference to the giving of notice, the swearing of witnesses, taking testimony, and all other matters pertaining to such hearings, shall apply.

"Sec. 14. (Sec. 111). Any interested party dissatisfied with any decision, order, rule or act of the Commission, shall have the right of appeal as is provided in Part I of the Texas Motor Carrier Act. For the purpose of this section, an interested party shall mean and include any private carrier or other carrier operating under the jurisdiction of the Railroad Commission.

"Sec. 15. (Sec. 112). The Railroad Commission, after notice and hearing, upon the complaint of any interested party, or upon the motion of the Railroad Commission, shall have authority to cancel, revoke, or suspend any private carrier's permit for any of the following reasons:

(a) Violation by the owner of such permit of any of the provisions of this Act or the provisions of Part I made applicable to Part II by reference.

(b) If any holder of a permit shall have wilfully made any false statement in the application for such permit or false representation to the Commission to secure the issuance of such permit.

(c) If the holder of any permit shall engage directly or indirectly in the business of transporting the property of others for compensation or hire except as herein expressly authorized.

(d) If the holder of any permit violates any of the terms of any such permit.

(e) If the holder of any permit violates any of the rules and regulations of the Railroad Commission promulgated under the terms of this Act.

"Sec. 16. (Sec. 113). When any complaint is filed against the holder of a permit, the Railroad Commission shall set the same for hearing and give the party against whom such complaint is made ten days' written notice of the time and place of such hearing and a general statement as to the nature of said complaint. The Railroad Commission shall, at said time and place designated in such notice, hear evidence upon such com-

plaint and may enter such judgment as in the opinion of the Commission the facts warrant.

"Sec. 17. (Sec. 114). The Railroad Commission shall have authority to make rules and regulations for the administration and enforcement of this Act.

"Sec. 18. (Sec. 115). It shall be unlawful for the owner of a Common Carrier Certificate, Contract Carrier Permit or Special Commodity Permit issued under Part I, to own a Private Carrier Permit; no person, firm or corporation shall be permitted to own or operate under more than one kind of such certificate or permit at the same time.

"Sec. 19. (Sec. 116). Any private carrier making a charge, directly or indirectly, for the transportation of property, shall assess and collect as a minimum the same rate prescribed by the Railroad Commission for common carriers for rendering substantially the same service.

"Sec. 20. (Sec. 117). Any permit obtained by any private carrier operating as such under the provisions of this Act may be sold, transferred or inherited only in the event the business being transacted by such permit owner, to which the use of said permit is an incident, is sold, transferred or inherited; provided, always, the ownership of such business and permits shall be in common. In the event such business changes ownership, the old permit shall be surrendered in a reasonable time and a new one issued in lieu thereof by the Railroad Commission to the successors of said business upon application made therefor in writing, and such successor and his operations under said permit shall continue to be subject to all the terms and conditions of this Act.

"Sec. 21. (Sec. 118).

(a) Every officer, agent, servant or employee of any corporation and every other person who violates or fails to comply with or procures, aids, or abets in the violation of any provision of this Act or who violates or fails to obey, observe or comply with any lawful order, decision, rule or regulation, direction, demand, or requirement of the Commission, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than Twenty-five Dollars (\$25) nor more

than Two Hundred Dollars (\$200) and the violations occurring on each day shall each constitute a separate offense.

(b) Every officer, agent, servant, or employee of any corporation and every other person who violates or fails to comply with or procures, aids or abets in the violation of any provision of this Act or who violates or fails to obey, observe or comply with any lawful order, decision, rule or regulation, direction, demand or requirement of the Commission shall, in addition to the penalties imposed in the preceding Section, also be subject to and shall pay a penalty not exceeding One Hundred Dollars (\$100) for each and every day of such violation.

(c) The venue for the recovery of such penalties shall be in any court of competent jurisdiction in Travis County or in the county in which the violation occurs. Suit for such penalty or penalties shall be instituted and conducted in the name of the State of Texas by the Attorney General of the State of Texas or by the respective county or district attorney in the county in which said suit is instituted.

(d) Upon the violation of any provision of this Act, or upon the violation of any rule, regulation, order or decree of the Commission promulgated under the terms of this Act, any district court of Travis County or any district court of any county where such violation occurs shall have the power to restrain and enjoin the person, firm or corporation so offending from further violating the provisions of this Act or from further violating any of the rules, regulations, orders and decrees of the Commission. Such injunctive relief may be granted upon the application of the Commission, the Attorney General or any district or county attorney. No bond shall be required when such injunctive relief is sought upon the application of the Commission, Attorney General or any district or county attorney. Such relief may be granted in suits for penalties as provided in subdivision (b) of this Section, but a suit for penalty shall not be a condition precedent to the injunctive relief provided by this subdivision.

(e) Any peace officer, highway patrolman or inspector of the Rail-

road Commission shall have the power and authority to make arrests for any violations of this Act, and it shall be the duty of all judges, prosecuting attorneys and peace officers of said State, counties and precincts to assist in the enforcement of this Act.

"Sec. 22. (Sec. 119). Whenever a private carrier shall desire to place in service additional motor vehicles, he shall file an application for additional identification plates with the Railroad Commission on a form prescribed by it, and the Commission shall be authorized to collect a fee for such plates to be used upon such vehicle as provided in the Act. Whenever any private carrier desires to retire any motor vehicle from service, he shall immediately give due notice to the Commission upon a form supplied by it, informing the Commission that said motor vehicle has been withdrawn from service.

"Sec. 23. (Sec. 120). The term 'Motor Carrier' under Part I and the term 'Private Carrier' under Part II shall not include:

(a) Any farmer transporting his own farm implements, farm supplies, livestock, livestock feed stuffs or agricultural products of his own production from the place of production to the market.

(b) The transportation of household goods by the owner thereof.

(c) The transportation of logs by the owner thereof from the place of production to the mill or to the market.

"Sec. 24. (Sec. 121). It is hereby declared to be the legislative intent that the use of the highways of this State by private carriers, as herein defined, is a public use, and that such carriers shall not be required to comply with the restrictions imposed by the Railroad Commission under Part I, wherein the carriers operating under Part I are restricted from the use of certain highways on account of traffic conditions.

"Sec. 25. (Sec. 122). If any Section, Subsection, clause, sentence or phrase of this Act is for any reason held to be unconstitutional, invalid or unenforceable, such holding shall not affect the validity or enforceability of the remaining portions of this Act; and the Legislature hereby declares that it is the purpose hereof to relieve private carriers, as herein

defined, from the provisions and operations of said Motor Carrier Law as incorporated in said Chapter 277, Acts of the Regular Session of the Forty-second Legislature, and amendments thereto, and that the provisions hereof to that effect would have been enacted notwithstanding any other Section, Subsection, sentence, clause or phrase hereof be declared unconstitutional.

"Sec. 26. (Sec. 123). The fact that under the decision of the Supreme Court of Texas, in the case of New Way Lumber Company vs. Smith, et al, merchants transporting their own property in their own motor vehicles have been declared to be contract carriers operating in violation of the law, and it being the intention of the Legislature to relieve private carriers, as that term is defined in this Act, from the burdens of said decision upon compliance with the terms of this Act, and the fact it is impractical for such merchants to comply with the present law with reference to procuring a contract carrier's permit, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House, and the Constitutional Rule requiring that bills go into force and take effect ninety (90) days after adjournment of the Session, be suspended, and said rules are hereby suspended, and this Act shall take effect and be in force from and after its passage and it is so enacted."

(President in the Chair.)

Question—Shall the amendment be adopted?

Messages From the House.

A Clerk from the House was recognized to present the following messages:

Hall of the House of Representatives,
Austin, Texas, March 24, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 231, A bill to be entitled "An Act providing that the Board of Insurance Commissioners shall require any corporation, person, firm,

association, local mutual aid association, or any local organization, company or organization to have a permit or certificate of authority in order to carry on any insurance business; providing that the Commissioner of Insurance shall make known to the Attorney General of the State of Texas any violation of this Act, said Attorney General to institute proceedings to restrain those named from writing any insurance of any kind or character without such permit or exemption certificate; providing that any of the organizations, companies, firms, corporation, lodges, societies, associations, orders or persons exempt from the provisions of S. B. No. 220, Acts, 1929, Regular Session, Forty-first Legislature of Texas, as amended herein, as well as county mutual fire insurance associations organized and operating prior to the repeal of Article 4916, Chapter 10, Title 71 of the Revised Civil Statutes of 1911, and operating continuously to the present shall not be required to have a permit, but shall be required to secure an exemption certificate; defining a misdemeanor and prescribing a penalty repealing Section 2a of H. B. No. 373, Acts, Regular Session, Forty-fourth Legislature of the State of Texas, 1935; amending Section 29 of S. B. No. 220, Acts, Regular Session, Forty-first Legislature of the State of Texas, 1929; amending Article 4857 of the Revised Civil Statutes of Texas, 1925; providing that those affected by this Act claiming to be exempt from securing a license or permit to carry on an insurance business shall annually file with the Board of Insurance Commissioners a report in such form as may be required by said Board of Commissioners, setting forth the exempt character of such business and such other information as is required; providing that the Board of Insurance Commissioners, upon examination of such report and finding such business to be of exempt character, shall issue a certificate of exemption; providing a filing fee to accompany reports and fee for certificate of exemption, and appropriating all fees collected under this bill to be a special and separate fund to be used by said Board of Insurance Commissioners for expenses connected with the enforcement of

this law; providing a saving clause, and declaring an emergency."

H. B. No. 296, A bill to be entitled "An Act providing for the amendment of Article 1848 of the Revised Civil Statutes of 1925, as amended by Acts of the Forty-second Legislature, Regular Session, Chapter 64, page 98 in Section 1 as amended by the Acts of the Forty-fourth Legislature, Regular Session, Chapter 90, page 225 in Section 1, so as to provide that litigants may have more time to file their briefs after the filing of the transcript in the Appellate Courts, and providing for the equalization of opportunity for filing briefs as between appellant and appellee, and declaring an emergency."

H. B. No. 326, A bill to be entitled "An Act defining indigent and non-indigent patients in State and psychopathic hospitals, providing for their support and that the State be reimbursed for the support, maintenance and treatment of non-indigent patients; declaring who are liable for the support, maintenance and treatment of non-indigent patients, providing that the State Board of Control may demand and conduct investigations in the county court to determine the ability of patients or those liable for their support to pay therefor, authorizing contracts for the support, maintenance and treatment of patients in State and psychopathic hospitals, and providing that suits may be instituted to collect for the support, maintenance and treatment of patients, and that the County and District Attorneys shall represent the State in such suits and prescribing the fee for so doing, repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 348, A bill to be entitled "An Act amending Section 5, of Chapter 130, Acts of the Regular Session of the Forty-third Legislature, as amended by the Acts of 1934, Fourth Called Session of the Forty-third Legislature, so as to extend the time within which the contracts, bonds, notes or other evidence of indebtedness authorized by said Chapter 130, as amended, shall not be issued or executed after the Thirty-first day of December, 1937, and declaring an emergency."

H. B. No. 449, A bill to be entitled "An Act to amend Subsection 62,

Article 199, Title 8, of the Revised Civil Statutes of Texas, 1925, revision; and to re-arrange, and re-create the 62nd Judicial District of Texas; to re-arrange, change and prescribe the terms of holding District Court in the 62nd Judicial District; to add Franklin County to the 62nd Judicial District of Texas; and providing that the 8th and 62nd Judicial District Courts in Hunt County and Delta County, shall have concurrent jurisdiction with each other in said counties respectively throughout the respective limits thereof, of all matters, civil and criminal, of which jurisdiction is given to the District Court by the Constitution and Laws of the State; and providing that the Sixth and 62nd Judicial District Courts in Lamar County shall have concurrent jurisdiction with each other in said county throughout the limits thereof, of all matters, civil and criminal, of which jurisdiction is given to the District Court by the Constitution and Laws of the State; and providing that the 76th and 62nd Judicial District Courts in Franklin County shall have concurrent jurisdiction with each other in said county throughout the limits thereof, of all matters, civil and criminal, of which jurisdiction is given to the District Court by the Constitution and Laws of the State; etc., and declaring an emergency."

H. B. No. 488, A bill to be entitled "An Act to amend Article 881a-37, Revised Civil Statutes, 1935, Supplement, as amended by Acts, 1935, Forty-fourth Legislature, page 159, Chapter 68, Section 2, and declaring an emergency."

H. B. No. 489, A bill to be entitled "An Act to amend Article 392, Revised Civil Statutes of 1925, as amended by Acts, 1935, Forty-fourth Legislature, page 21, Chapter 6, Section 1, and declaring an emergency."

H. B. No. 491, A bill to be entitled "An Act to amend Article 4766, Revised Civil Statutes of 1925, as amended by Acts, 1935, Forty-fourth Legislature, page 24, Chapter 8, Section 1, and declaring an emergency."

H. B. No. 493, A bill to be entitled "An Act to amend Article 416, Revised Civil Statutes of 1925, as amended by Acts, 1935, Forty-fourth

Legislature, page 26, Chapter 9, Section 1, and declaring an emergency."

H. B. No. 494, A bill to be entitled "An Act to amend Article 4993, Revised Civil Statutes of 1925, as amended by Acts, 1935, Forty-fourth Legislature, page 31, Chapter 11, Section 1, and declaring an emergency."

H. B. No. 495, A bill to be entitled "An Act to amend Article 4941, Revised Civil Statutes of 1925, as amended by Acts, 1935, Forty-fourth Legislature, page 20, Chapter 5, Section 1, and declaring an emergency."

H. B. No. 525, A bill to be entitled "An Act declaring the purpose of the Legislature in enacting this Bill; creating the Texas Home for Colored Orphans and providing for the maintenance of such home at or near Gilmer, Texas, in the County of Upshur, upon a site or tract of land heretofore donated by the Dickson Colored Orphans, Inc., to and accepted by the State of Texas; repealing Sections 2 and 7 of Chapter 21, Acts of the Forty-first Legislature, Third Called Session, and all other laws and parts of laws in so far as they conflict with the provisions of this Act or its purpose to continue the maintenance of a negro orphan's home upon that tract of land donated to the State of Texas located in Gilmer, Upshur County, Texas, and declaring an emergency."

H. B. No. 563, A bill to be entitled "An Act to prohibit the use of any trap, seine, or net of any kind for the purpose of taking or catching any fish in Bell County for a period of two years from and after the effective date of this Act; providing however, that this Act shall not prohibit the use of a minnow seine in such County, and declaring an emergency."

H. B. No. 572, A bill to be entitled "An Act amending Article 2544, R. C. S. of Texas, 1925, Article 2545, R. C. S. of Texas, 1925, Article 2546, R. C. S. of Texas, 1925, Article 2547, R. C. S. of Texas, 1925, as amended by Chapter 129, Acts, Fortieth Legislature, as amended by Chapter 11, Acts, Forty-first Legislature, as amended by Chapter 19, Acts, Forty-third Legislature, as amended by Chapter 66, Acts, Forty-third Legislature; . . . etc., and declaring an emergency."

H. B. No. 584, A bill to be entitled "An Act authorizing the Commissioners' Court in any county having a population of less than 35,000 inhabitants according to the last preceding Federal Census and having an assessed property valuation exceeding \$70,000,000.00 according to the approved tax rolls for the preceding year to allow each County Commissioner the sum of Fifty (\$50.00) Dollars per month for traveling expenses providing for the source of payment of such expenses and providing for filing of itemized accounts, and declaring an emergency."

H. B. No. 598, A bill to be entitled "An Act amending Article 2700 of the Revised Civil Statutes of Texas, 1925, increasing the allowance for office and traveling expenses for County Superintendent of Rusk County to not exceeding \$900.00 per annum, and declaring an emergency."

H. B. No. 599, A bill to be entitled "An Act providing for the organization of cooperative, non-profit, membership corporations for the purpose of engaging in rural electrification; defining terms; defining the powers and duties of such corporations; providing for the number of incorporators; providing the manner in which such corporations may be organized and prescribing the contents of the articles of incorporation; prohibiting the use of the words 'Electric Cooperative' by other corporations; providing for the execution, filing and recording of articles of incorporation and for the renewal of articles of incorporation; . . . etc., and declaring an emergency."

(With engrossed rider.)

H. B. No. 602, A bill to be entitled "An Act amending Article 3899 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 220, Acts of the Regular Session of the Forty-third Legislature, and as amended by Chapter 311, Acts of the Regular Session of the Forty-fourth Legislature, and as amended by Chapter 465, Acts of the Second Called Session of the Forty-fourth Legislature; providing that county attorneys who perform the duties of District Attorneys in certain counties may incur certain expenses in investigating crime and accumulating evidence in criminal cases, and for the payment for mileage traveled

by said county attorneys in automobiles furnished by them in the discharge of their official duties; providing that this Act shall be cumulative of all laws not in conflict herewith, and declaring an emergency."

H. B. No. 603, A bill to be entitled "An Act to appropriate money from the General Revenue Fund to pay judgment for the sum of Twelve Hundred (\$1200.00) Dollars against the State of Texas in favor of R. L. Winder in cause No. 52982 in the 126th District Court of Travis County, and declaring an emergency."

H. B. No. 605, A bill to be entitled "An Act to amend Article 1813, Revised Civil Statutes of Texas, 1925, so as to add thereto a provision for the appointment of a Special Commissioner to serve with and assist a Court of Civil Appeals where a member thereof shall be totally disabled by illness, physical or mental; providing for the appointment of such Special Commissioner by the Governor under certain defined circumstances; defining the duties, compensation, and term of office of such Special Commissioner; providing that if any part of this Act is held unconstitutional, the valid portion of the same was intended to be enacted, and providing for an emergency."

H. B. No. 610, A bill to be entitled "An Act repealing Section 11 of Article 7152, Title 122 of the Revised Civil Statutes of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, and declaring an emergency."

H. B. No. 629, A bill to be entitled "An Act declaring the islands in Galveston Bay, known as Vingt-une Islands, as a wildlife sanctuary and prohibiting the molestation of any birds found on said islands; providing a penalty for violation of this Act, and declaring an emergency."

H. B. No. 661, A bill to be entitled "An Act declaring certain months closed to fishing in Jones and Shackelford Counties; providing means and methods of taking and possessing fish taken from the fresh waters of said counties; prohibiting the sale of fish taken from fresh waters of said counties; prescribing the bag limit that may be taken in any one day and declaring fish under certain sizes shall be returned to the water which

they were taken; providing that any person who violates provisions of this Act to be guilty of a misdemeanor, fixing a penalty, and declaring an emergency."

H. B. No. 750, A bill to be entitled "An Act to amend Section 1 of Chapter 144, Acts, Regular Session of the Forty-fourth Legislature, page 383 of the compiled laws of said session; providing the open season for the killing of wild mourning doves; and providing that it be lawful to hunt, take or kill wild mourning doves during the months of October and November in the Counties of Chambers, Jefferson and Orange, and declaring an emergency."

H. B. No. 757, A bill to be entitled "An Act to provide for an open season to hunt, take or kill wild mourning doves in Cherokee County, Texas, and declaring an emergency."

(With engrossed riders.)

H. B. No. 765, A bill to be entitled "An Act amending Article 2350 by adding thereto another section to be designated as Article 2350 (4), providing for the salaries of members of the commissioners' court in counties with a population bracket of between sixteen thousand (16,000) and sixteen thousand and forty (16,040), and declaring an emergency."

(With engrossed riders.)

H. B. No. 781, A bill to be entitled "An Act amending Section One of Chapter 127, page 215, Acts, Regular Session, Forty-second Legislature, and declaring an emergency."

H. B. No. 782, A bill to be entitled "An Act to amend Article 2746, Chapter 13, Revised Civil Statutes, and declaring an emergency."

H. B. No. 809, A bill to be entitled "An Act prohibiting the setting of any steel trap, snare, or deadfall in Colorado County for the purpose of taking any fur bearing animals for a period of two years; providing certain exceptions; repealing all laws in so far they conflict with this Act; providing a penalty for violation of this Act, and declaring an emergency."

H. B. No. 810, A bill to be entitled "An Act to make it unlawful to take, hunt, trap, shoot, or kill any wild turkey for a period of five years in Austin County, Texas; fixing penalties, and declaring an emergency."

H. B. No. 883, A bill to be entitled

"An Act relating to the payment of the premiums for the official bonds of certain designated elective and appointive district and county officers in counties of more than 190,000 population, according to the last preceding Federal Census, and providing for the payment of the premiums of the official bonds of such officers out of the General Fund and/or Officers Salary Funds of such counties, and repealing all laws or parts of laws, Special and General, in conflict or inconsistent with the provisions of this Act, and declaring an emergency."

H. B. No. 909, A bill to be entitled "An Act changing the name of the State Home for Dependent and Neglected Children to be hereafter known as Waco State Home, and creating an emergency."

H. B. No. 936, A bill to be entitled "An Act to amend Article 6699, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

H. B. No. 962, A bill to be entitled "An Act amending Section 2 of Chapter 19 of the Local and Special Acts of the Forty-first Legislature of Texas, Fourth Called Session, so as to provide for the funding by the Commissioners' Court of Angelina County of any and all items of indebtedness outstanding on January 1, 1937, against the road and bridge fund of said County, including scrip and time warrants, by issuing coupon bonds of said County; providing that the commissioners' court shall be authorized to levy and collect any and all of the special fifteen cents maintenance tax of said county for the payment of said bonds, and declaring an emergency."

H. B. No. 965, A bill to be entitled "An Act to prohibit the use of a seine for taking fish in the waters and tributaries of the Bosque River in Hamilton County, Texas; providing, however, for the use of a net during the months of July, August, September and October for the purpose of taking fish; permitting the use of a minnow seine not more than twenty (20) feet in length for the purpose of taking minnows for bait; providing a penalty; repealing Chapter 47, Acts of the Forty-fourth Legislature, Regular Session; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 967, A bill to be entitled "An Act to provide that in all cases of delinquent taxes for the year 1935 and all prior years where it appears that an assessment has been made at a valuation excessive and unreasonable, the commissioners' court shall be authorized to correct or reduce such values on the request of the tax collector; providing that cities, towns, villages, school districts, road districts, levy improvement districts, water improvement districts, water control and improvement districts, irrigation districts and all other political subdivisions authorized to assess and collect taxes, and the governing authorities thereof may also correct and reduce such excessive and unreasonable values, and declaring an emergency."

(With engrossed rider.)

H. B. No. 971, A bill to be entitled "An Act repealing Chapter 174, Special Laws of the Forty-second Legislature, Regular Session, and declaring an emergency."

S. B. No. 282, A bill to be entitled "An Act to amend Article 7265, Revised Civil Statutes of Texas, 1925, as amended by Section 1, Chapter 16, Acts of the First Called Session of the Forty-third Legislature, so as to provide that in counties having a population of seventy thousand (70,000) or more and less than seventy-seven thousand (77,000), according to the last Federal Census, and containing one or more cities or towns other than the county seat, which has in excess of one thousand (1,000) inhabitants, according to the last Federal Census, the assessor and collector of taxes, with the consent and approval of the commissioners' court, may appoint a deputy tax collector in each such county; and defining the duties of such deputies; and providing for the salaries of such deputies; and declaring an emergency."

(With amendments.)

The House has concurred in Senate amendments to H. B. No. 507, by a vote of 112 yeas, 0 nays.

The House has adopted the following resolutions:

H. C. R. No. 75, Authorizing the State Highway Department to lend equipment to the City of Eastland.

H. C. R. No. 71, Granting R. W.

Briggs and Company permission to sue the State.

The House has laid on the table the following bill, because the Senate Bill on the same subject has been signed by the Governor this session:

H. B. No. 730, A bill to be entitled "An Act providing for the amount that may be allowed by county boards of trustees to the county superintendents of public instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal Census; repealing all laws and parts of laws, General or Special in conflict herewith, and declaring an emergency."

H. B. No. 531, A bill to be entitled "An Act amending Section 3 of Chapter 88, Acts of the Forty-first Legislature, Second Called Session, as amended by Section 1 of Chapter 3, Acts of the Forty-third Legislature, Second Called Session, as amended by Chapter 51, Acts of the Forty-fourth Legislature, Regular Session, so as to exempt motor vehicles, trailers and semi-trailers, owned and used exclusively in the service of any Water District or Water Control and Improvement District from the payment of license or registration fees, etc., and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

(Senator Redditt in the chair.)

House Concurrent Resolutions Referred.

The following resolutions received from the House today, were laid before the Senate, read severally and referred to appropriate committees as indicated:

H. C. R. No. 71, to Committee on State Affairs.

H. C. R. No. 75, to Committee on State Highways and Motor Traffic.

(President in the chair.)

Bills and Resolution Signed.

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolution:

S. J. R. No. 9, Proposing an amendment to Section 16, Article

XVI, of the Constitution of Texas; providing that the Legislature shall authorize the incorporation of banking bodies and provide for the supervision and regulation of same; providing for all of the capital stock to be subscribed and paid for before charter issued; restricting foreign corporations from doing banking business; restricting corporate business to one place.

H. B. No. 60, "An Act to exclude that portion of the Santo Domingo Plantation within the boundaries of Starr County Water Control and Improvement District No. One from said district, providing for the payment by the owners of said land of the proportionate part of said district's outstanding indebtedness against same, the manner of paying such proportionate part of said indebtedness, and declaring an emergency."

H. B. No. 221, "An Act to amend Article 1302, Chapter 1, Title 32 of the Revised Statutes of 1925, by adding thereto Section 99, so as to provide for the creation of private corporations for the purpose of producing, mining, manufacturing, buying and selling of building materials of all kinds."

H. B. No. 276, "An Act making it unlawful to kill quail in Garza County, Texas; providing the Act shall be in force for a period of two years; repealing all laws in conflict; providing a penalty for the violation of this Act, and declaring an emergency."

H. B. No. 366, "An Act granting the dependents at law, the heirs and legal representatives of Milton Matkins, deceased, permission to bring suit against the State of Texas and/or the State Highway Department, and/or Angelina County, Texas, in the District Court of Shelby County, Texas, for damages sustained by reason of the death of Milton Matkins, for damages for the conscious suffering which he sustained after the injury but before his death, and for damages by way of medical services and funeral bills incurred, all on account of the negligence of the employees of the State Highway Department and/or Angelina County, Texas; providing for place of venue; providing that such suit may be filed within two years after this Act takes effect; providing for the method of

serving process and for procedure governing the trial and determination of such suit; recognizing the liability of the State of Texas and making appropriation for the payment of such judgment, if, as and when finally, etc."

Senate Bill No. 282 With House Amendments.

Senator Oneal called up S. B. No. 282 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill before the Senate and the House amendments were read.

Question—Shall the Senate concur in the House amendments?

The Senate concurred in the House amendments by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Woodruff.
Newton.	Winfield.

Absent—Excused.

Cotten.

Senate Bill No. 227 With House Amendments.

Senator Nelson called up S. B. No. 227 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill before the Senate and the House amendments were read.

Question—Shall the Senate concur in the House amendments?

The Senate concurred in the House amendments by the following vote:

Yeas—30.

Aikin.	Burns.
Beck.	Collie.
Brownlee.	Davis.

Head.	Redditt.
Hill.	Roberts.
Holbrook.	Shivers.
Isbell.	Small.
Lemens.	Spears.
Moore.	Stone.
Neal.	Sulak.
Nelson.	Van Zandt.
Newton.	Weinert.
Oneal.	Westerfeld.
Pace.	Winfield.
Rawlings.	Woodruff.

Absent—Excused.

Cotten.

Senate Bill No. 223 With House Amendments.

Senator Neal called up S. B. No. 223 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill before the Senate and the House amendments were read.

Question—Shall the Senate concur in the House amendments?

The Senate concurred in the House amendments by the following vote:

Yeas—29.

Aikin.	Pace.
Beck.	Rawlings.
Brownlee.	Redditt.
Burns.	Roberts.
Collie.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

Absent—Excused.

Cotten. Oneal.

Senate Bill No. 440 on First Reading.

Senator Small moved that the rule limiting the time for introduction of certain bills to the first 45 days of the Session be suspended, to permit the introduction at this time of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—27.

Aikin.	Newton.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

Nays—2.

Stone. Weinert.

Absent—Excused.

Cotten. Oneal.

The following bill was then introduced, read first time and referred to the Committee on Criminal Jurisprudence:

By Senator Small:

S. B. No. 440, A bill to be entitled "An Act amending Sections 4(A) and 4(B) of Article 1, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, and amending said article by adding thereto a new Section to be known as Section 23(B), authorizing convictions upon the uncorroborated testimony of an accomplice; and declaring an emergency."

House Bills on First Reading.

The following bills, received from the House today, were laid before the Senate, read first time and referred by the President to the committees indicated:

H. B. No. 231, to Committee on Insurance.

H. B. No. 296, to Committee on Civil Jurisprudence.

H. B. No. 326, to Committee on Civil Jurisprudence.

H. B. No. 348, to Committee on Civil Jurisprudence.

H. B. No. 449, to Committee on Judicial Districts.

H. B. No. 488, to Committee on Civil Jurisprudence.

H. B. No. 489, to Committee on Civil Jurisprudence.

H. B. No. 491, to Committee on Civil Jurisprudence.

H. B. No. 493, to Committee on Civil Jurisprudence.

H. B. No. 494, to Committee on Civil Jurisprudence.

H. B. No. 495, to Committee on Civil Jurisprudence.

H. B. No. 525, to Committee on State Affairs.

H. B. No. 563, to Committee on Game and Fish.

H. B. No. 572, to Committee on Banking.

H. B. No. 584, to Committee on Counties and County Boundaries.

H. B. No. 598, to Committee on Educational Affairs.

H. B. No. 599, to Committee on Agricultural Affairs.

H. B. No. 602, to Committee on Counties and County Boundaries.

H. B. No. 603, to Committee on Finance.

H. B. No. 605, to Committee on Civil Jurisprudence.

H. B. No. 610, to Committee on Civil Jurisprudence.

H. B. No. 629, to Committee on Game and Fish.

H. B. No. 661, to Committee on Game and Fish.

H. B. No. 750, to Committee on Game and Fish.

H. B. No. 757, to Committee on Game and Fish.

H. B. No. 765, to Committee on Counties and County Boundaries.

H. B. No. 781, to Committee on State Highways and Motor Traffic.

H. B. No. 782, to Committee on Educational Affairs.

H. B. No. 809, to Committee on Game and Fish.

H. B. No. 810, to Committee on Game and Fish.

H. B. No. 883, to Committee on Counties and County Boundaries.

H. B. No. 909, to Committee on State Affairs.

H. B. No. 936, to Committee on Counties and County Boundaries.

H. B. No. 962, to Committee on State Highways and Motor Traffic.

H. B. No. 965, to Committee on Game and Fish.

H. B. No. 967, to Committee on State Affairs.

H. B. No. 971, to Committee on Civil Jurisprudence.

H. B. No. 531, to Committee on State Highways and Motor Traffic.

House Concurrent Resolution No. 75.

On motion of Senator Collie and by unanimous consent, the regular order of business was suspended to take up, for consideration at this time, the following resolution:

H. C. R. No. 75, Authorizing the State Highway Department to lend certain equipment to the City of Eastland, Texas.

The resolution was read.

Senator Collie offered the following (committee) amendment to the resolution:

Amend H. C. R. No. 75 by adding after the word "Eastland" the following: "and Centerville, Texas."

The (committee) amendment was adopted.

The resolution as amended was adopted.

House Concurrent Resolution No. 71.

On motion of Senator Neal and by unanimous consent, the regular order of business was suspended to take up for consideration at this time, the following resolution:

H. C. R. No. 71, Granting R. W. Briggs and Company permission to sue the State.

The resolution was read and was adopted.

Conference Report on House Bill No. 150.

Senator Shivers moved to reconsider the vote by which the Conference Committee report on H. B. No. 150 was adopted on Friday, March 19th, 1937.

The motion prevailed.

Question—Shall the report of the Conference Committee be adopted?

Senator Shivers moved to grant the request of the House that the report be re-referred to the Conference Committee and the differences between the Houses further considered.

The motion prevailed.

Senate Bill on First Reading.

The following (local) bill was introduced, read first time, and referred to the Committee on Educational Affairs:

By Senator Sulak:

S. B. No. 441, A bill to be entitled "An Act authorizing the Board of Trustees of La Grange Independent School District, Fayette County, Texas, to compensate L. J. Rose for services rendered to said district, and declaring an emergency."

Amendment Ordered Mimeographed.

On motion of Senator Spears, the amendment offered today by Senator Rawlings to C. S. H. B. No. 67 was ordered mimeographed.

House Bill No. 509 on Second Reading.

On motion of Senator Woodruff and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 509, A bill to be entitled "An Act to declare a closed season on the killing of quail in Montague County, Texas, for a period ending January 16, 1939; prescribing a penalty for the violation of this Act, and declaring an emergency."

The President laid the bill before the Senate, and it was read second time.

Senator Woodruff offered the following amendment to the bill:

Amend H. B. No. 509 by adding at the end of Section five the following:

Provided, that all officers so operating shall have all authority, power and immunity of any game warden or deputy game warden operating under the Game, Fish and Oyster Commission of Texas in the enforcement of the Game and Fish Laws of the State.

The amendment was adopted by the following vote:

Yeas—18.

Aikin.	Redditt.
Burns.	Roberts.
Davis.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Weinert.
Newton.	Winfield.
Pace.	Woodruff.

Nays—5.

Beck.	Rawlings.
Brownlee.	Westerfeld.
Neal.	

Absent.

Collie.	Nelson.
Head.	Spears.
Moore.	Van Zandt.

Absent—Excused.

Cotten.	Oneal.
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Senator Burns offered the following amendment to the bill:

Amend H. B. No. 509 by adding a new Section to be numbered _____

Provided, the citizens of Montague County, Texas, can not go outside of said county to hunt and fish.

Senator Woodruff raised a point of order on consideration of the amendment on the ground that it is not germane to the original purposes of the bill.

The President sustained the point of order.

H. B. No. 509 was passed to third reading.

House Bill No. 509 on Third Reading.

Senator Woodruff moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 509 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24.

Aikin.	Rawlings.
Beck.	Redditt.
Burns.	Roberts.
Davis.	Shivers.
Hill.	Small.
Holbrook.	Spears.
Isbell.	Stone.
Lemens.	Van Zandt.
Neal.	Weinert.
Nelson.	Westerfeld.
Newton.	Winfield.
Pace.	Woodruff.

Nays—1.

Brownlee.

Absent.

Collie. Moore.
Head. Sulak.

Absent—Excused.

Cotten. Oneal.

The President laid H. B. No. 509 before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, March 24, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has laid on the table by a vote of 77 yeas and 51 nays, the following bill:

S. B. No. 261, A bill to be entitled "An Act amending Section 14, Chapter 277, Acts of the Regular Session, Forty-second Legislature, 1931, as amended by the Forty-third Legislature, 1933, relating to motor carriers."

(With amendments.)

The House has passed the following bills and resolutions:

S. B. No. 223, A bill to be entitled "An Act to authorize the counties, cities, towns, independent school districts, common school districts, water improvement districts, water control and improvement districts, navigation districts, road districts, levee districts, drainage districts, and all other municipal corporations, political subdivisions or districts organized and existing under the Constitution and laws of this State, to convey to the United States of America with or without monetary consideration, upon request therefor, title to property, lands, or interest in lands owned by such municipal corporations, political subdivisions or districts, to enable any department or establishment of the United States to carry out the provisions of any Act of Congress in aid of navigation, flood control, or improvement of water courses, and in order

to accomplish any and all of the purposes specified in Article 5242 of the 1925 Revised Civil Statutes of Texas, and authorizing any and all such counties, cities, towns, and other public municipal corporations and districts above enumerated to convey with or without monetary consideration to any other of the political subdivisions herein enumerated which, by resolution of its governing body, may have heretofore or may hereafter agree to acquire and convey the same, for ultimate conveyance, to the United States of America; validating any such conveyance heretofore made by any such political subdivision; providing that if any section, word, phrase, or clause in this Act be declared unconstitutional for any reason, the remainder of this Act shall not be affected thereby; and declaring an emergency."

(With amendments.)

S. B. No. 227, A bill to be entitled "An Act amending Section 17 of Article 2815h of the Revised Civil Statutes of the State of Texas, as amended by the Regular Session of the Forty-fourth Legislature, 1935, governing the creation of junior colleges, by adding thereto a new subsection to be numbered Section 17 (a) providing that a proposed district may have less than seven thousand (7,000) scholastic enrollment but not less than five thousand (5,000), provided the site of such college is more than seventy-five (75) miles from any other junior or senior college supported by public taxes and provided that the State Board of Education finds that the proposed district is in a growing section and that there is a public convenience and necessity for such junior college, and declaring an emergency."

(With amendments.)

The House has passed the following bill:

The House has rejected the Conference Committee report on H. B. No. 150, and requested the conferees to consider further the differences between the two Houses on the bill.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Message From the Governor.

A Secretary from the Governor appeared at the bar of the Senate and

was recognized to present the following message:

Austin, Texas, March 24, 1937.

To the Members of the 45th Legislature:

I note from legislative journals and the public press that a number of bills creating conservation authorities are pending and may possibly be passed calling for remission of state ad valorem taxes to such districts.

I feel it is only fair to the Legislature and to the sponsors of these bills to tell you my attitude in advance. Already forty counties in Texas have had taxes remitted by previous legislatures. This has grown to such proportions as to amount to discrimination against the remaining counties; and if thirty or forty counties are added to this number at this session, the discrimination will be even more pronounced, and the fiscal condition of the State will be even more seriously impaired than it is at present.

At the outset of the session I called your attention to the deficit in the general revenue and the demand for new revenues for old age assistance, for aid to the blind, to dependent children, to our eleemosynary institutions and other equally pressing governmental obligations. I asked this Legislature to provide revenues to meet these responsibilities. While the House has already passed an increased oil and sulphur tax, no actual tax program is yet evidenced by both branches of the Legislature.

As yet, no action has been taken, except in committee, on the proposed constitutional amendments to authorize the Legislature to classify property for taxation and for State participation in adjusting values; and this must be done at the regular session if we are to have a really comprehensive tax program and give relief to taxpayers on farms and lands.

I feel it is only fair, therefore, to ask this Legislature not to authorize any further tax remissions until something has been done toward raising additional revenues to take care of existing needs before those needs have been substantially increased. We have got to stop tax remissions somewhere or extend them to all counties in the state; and

I have not, as yet, completed my study of the latter proposal, that is to remit ad valorem taxes to all counties in the State.

If these conservation authority bills are passed with tax remissions, I will be compelled to veto them. Necessarily, this would destroy the legislative authority for such conservation districts as well as the remission of taxes in the districts effected. I urge you, therefore, to pass these conservation authority bills without the tax remission feature if you so desire; and, meantime, proceed to other pressing problems, particularly those which will require the submission of constitutional amendments. Bear in mind, please, that constitutional amendments can only be submitted at a regular session of the Legislature.

I dislike to take the responsibility of saying in advance that I will veto any bill; I do it because it is my duty and because I owe it to the Legislature to be fair and frank with you.

Respectfully submitted,

JAMES V. ALLRED,
Governor of Texas.

Adjournment.

Senator Redditt moved that the Senate adjourn until 10 o'clock a. m. tomorrow.

Senator Hill moved that the Senate recess to 2 o'clock p. m. today.

The motion to adjourn prevailed, and the Senate, accordingly, at 12:20 o'clock p. m. adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

Bills Filed in Department of State.

Austin, Texas, March 23, 1937.

Hon. Bob Barker, Secretary of the Senate.

Dear Sir: I submit herewith a list of bills and resolutions passed by the Forty-fifth Legislature which were filed in this office Monday, March 22, 1937:

S. B. No. 105:

Vote in Senate, yeas 26, nays 0.

Vote in House, yeas 118, nays 0.

Date signed by the Governor,
March 22, 1937.

H. B. No. 120:
Vote in Senate, yeas 27, nays 1.
Vote in House, yeas 136, nays 0.
Date signed by the Governor,
March 22, 1937.

H. B. No. 457:
Vote in Senate, yeas 29, nays 0.
Vote in House, viva voce.
Date signed by the Governor,
March 22, 1937.

H. B. No. 487:
Vote in Senate, viva voce.
Vote in House, yeas 121, nays 0.
Date signed by the Governor,
March 22, 1937.

H. B. No. 506:
Vote in Senate, yeas 29, nays 0.
Vote in House yeas 109, nays 0.
Date signed by the Governor,
March 22, 1937.

H. C. R. No. 38:
Vote in Senate, viva voce.
Vote in House, viva voce.
Date signed by the Governor,
unsigned.

H. C. R. No. 39:
Vote in Senate, viva voce.
Vote in House, viva voce.
Date signed by the Governor,
unsigned.

H. C. R. No. 41:
Vote in Senate, viva voce.
Vote in House, viva voce.
Date signed by the Governor,
unsigned.

H. C. R. No. 42:
Vote in Senate, viva voce.
Vote in House, viva voce.
Date signed by the Governor,
unsigned.

H. C. R. No. 43:
Vote in Senate, viva voce.
Vote in House, viva voce.
Date signed by the Governor,
unsigned.

H. C. R. No. 45:
Vote in Senate, viva voce.
Vote in House, viva voce.
Date signed by the Governor,
unsigned.

H. C. R. No. 46:
Vote in Senate, viva voce.
Vote in House, viva voce.
Date signed by the Governor,
unsigned.

H. C. R. No. 47:
Vote in Senate, viva voce.
Vote in House, viva voce.
Date signed by the Governor,
unsigned.

H. C. R. No. 52:
Vote in Senate, yeas 24, nays 4.
Vote in House, viva voce.
Date signed by the Governor,
March 22, 1937.

H. C. R. No. 53:
Vote in Senate, viva voce.
Vote in House, yeas 114, nays 1.
Date signed by the Governor,
unsigned.

H. C. R. No. 69:
Vote in Senate, viva voce.
Vote in House, viva voce.
Date signed by the Governor,
March 22, 1937.

Assuring you of my sincere pleas-
ure in performing this service, I am
Yours very truly,

M. E. SANDLIN,
Assistant Secretary of State.

Reports of Standing Committees.

Committee Room,
Austin, Texas, March 22, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Con-
stitutional Amendments, to whom
was referred

S. J. R. No. 5, Proposing an
amendment of Section 51b of Article
III of the Constitution of the State
of Texas so as to require the Legis-
lature to provide for a system of Old
Age Pension and/or Assistance not
to exceed Fifteen Dollars (\$15) per
person per month to actual bona
fide residents of the State of Texas,
over the age of sixty five years, ex-
cluding therefrom habitual crimi-
nals, habitual drunkards and in-
mates of a State supported institu-
tion; providing for the length of
time of actual residence by appli-
cants within the State of Texas; au-
thorizing the Legislature to accept
financial assistance from the United
States Government for Old Age Pen-
sions and/or Assistance; levying a
two per cent occupation tax on per-
sons engaged in the business of mak-
ing retail sales of goods, wares,
merchandise and commodities in-
cluding the gross receipts of places
of amusement; creating a Special Old

Age Pension and/or Assistance Fund or funds and providing that same shall never be diverted; providing that said fund shall be prorated to the aged of this State without regard to previous standards of living, income or other restrictions than those specifically set forth; requiring the Legislature to define terms, to set up machinery to administer such law and to make appropriations necessary for the administration of same; providing for the necessary proclamation, publication and election.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SPEARS, Vice-Chairman.

Committee Room,

Austin, Texas, March 23, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 355, A bill to be entitled "An Act creating and establishing what shall be known as an 'escheat fund' in the office of the Treasurer of the State of Texas; withdrawing from certain officers, persons, firms and corporations the power to retain or hold in their possession any unclaimed funds or money for longer than a certain period of time designated herein; providing that such funds shall on certain dates, periodically be reported to the State Treasurer, providing the manner of making such report and for the payment of all unclaimed monies so reported to the State Treasurer to be deposited in the 'escheat fund, etc.'"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, March 23, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 436, A bill to be entitled "An Act declaring the floods of Bexar County, Texas, to be a public calamity; authorizing an adoption and grant to Bexar County of one-half

of the State ad valorem taxes collected in Bexar County for flood control improvement and maintenance purposes, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, March 23, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 284, A bill to be entitled "An Act providing for the creation of corporations for the purpose of establishing, maintaining, operating and engaging in the business of grading, constructing of terraces and drainage structures and all other forms of dirt construction work, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, March 23, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 308, A bill to be entitled "An Act dedicating and establishing the Big Bend National Park in Brewster County, Texas, and defining the area of said Park and creating a Board for the acquisition of land within said area, defining its powers and duties, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, March 23, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 659, A bill to be entitled "An Act defining 'livestock auction commission merchants,' prescribing their duties as such livestock auction

commission merchants, requiring them to give bond, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, March 23, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 592, A bill to be entitled "An Act creating the Upper Red River Flood Control and Irrigation District, a conservation and reclamation district, to be a governmental agency, body politic, and corporate; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, March 23, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 158, A bill to be entitled "An Act granting and donating to each respective county of this State for a period of five (5) years beginning with the taxable year 1937, all the State ad valorem taxes, not heretofore donated or appropriated to any county, district, city, or other political subdivision, collected for General Revenue purposes upon the property and from persons in each respective county, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, March 23, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 33, Requesting the Board of Regents of the University of Texas to rescind their recent action in procuring the services of Dana

X. Bible, and to secure the services of a coach and athletic instructor at a salary commensurate with the service rendered.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

PACE, Chairman.

Committee Room,

Austin, Texas, March 24, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. C. R. No. 75, Authorizing the State Highway Department to lend equipment to the City of Eastland, etc.

Have had said resolution under consideration, and I am instructed to report same back to the Senate, with the recommendation that it do pass, with Committee Amendment No. 1, and be not printed.

RAWLINGS, Chairman.

Committee Room,

Austin, Texas, March 23, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 406, A bill to be entitled "An Act to increase the Civil Jurisdiction of the County Court of Collingsworth County, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, March 23, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 122, A bill to be entitled "An Act to amend Article 1315, of the Revised Civil Statutes of Texas, of 1925, so as to authorize any private corporation organized under Title 32 of said Revised Statutes to extend its charter, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to

report it back to the Senate with the recommendation that it do pass as amended and be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 23, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 426, A bill to be entitled "An Act to amend Articles 4267, 4268, 4269, 4270, 4272, 4274, 4275, 4279, 4282, 4283 and 4284 of Chapter 12 Title 69, of the Revised Civil Statutes of Texas, relating to guardianship of persons of unsound mind and habitual drunkards, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended, and be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 23, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 427, A bill to be entitled "An Act to amend Article 4285 of Chapter 13, Title 69 of the Revised Civil Statutes of Texas, 1925, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 23, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 286, A bill to be entitled "An Act providing for declaratory judgments; specifying the situations to which the act applies; providing for construction of contracts before breach; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 23, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 674, A bill to be entitled "An Act validating all elections, election orders, election proceedings, and city ordinances annexing adjacent territory to, or extending and prescribing the corporate limits of any incorporated city having a population of not less than four thousand, one hundred and ninety inhabitants and not more than four thousand, two hundred and fifty inhabitants, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 24, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 724, A bill to be entitled "An Act amending Section 1, Chapter 24, Acts of the Regular Session, Forty-third Legislature, providing and fixing compensation for county commissioners in certain counties, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SPEARS, Chairman.

Committee Room,
Austin, Texas, March 24, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. C. R. No. 71, A resolution granting R. W. Briggs and Company consent and permission to implead in Cause No. 14430 in the District Court of the 74th Judicial District, McLennan County, Texas, the Highway Commission of the State of Texas as such Commission and the State of Texas."

Have had the same under consideration, and I am instructed to re-

port it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, March 23, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. J. R. No. 9 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, March 23, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 137 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, March 23, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 305 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, March 23, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 332 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, March 23, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 46 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, March 24, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 66

carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, March 23, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 36 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, March 24, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 224 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, March 23, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 95 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, March 23, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 322 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, March 23, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 376 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, March 23, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 164 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.